

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

In Re:

**CARLA DONNA DESILVA-MCPHUN**

Pro Se Debtor

Case No. **19-11019-TJC**

Chapter 13

**MOTION TO DISMISS FOR FAILURE TO QUALIFY FOR RELIEF UNDER  
CHAPTER 13 AND NOTICE OF OPPORTUNITY FOR A HEARING**

Nancy L. Spencer Grigsby, Chapter 13 Trustee, moves this Honorable Court to consider this Motion to Dismiss for Failure to Qualify for Relief Under Chapter 13, and for reasons, states:

1. That the Debtor filed this case under Chapter 13 on January 25, 2019 under the provisions of the Bankruptcy Abuse Protection and Consumer Protection Act of 2005.
2. That the Debtor owes noncontingent, liquidated secured debts in the amount of \$2,298,587.00 which is in excess of the secured debt limit of \$1,184,200.00 set forth in 11 U.S.C. § 109(e). Specifically, Schedule D lists total secured debt in the amount of \$2,298,587.00.
3. That the Debtor owes noncontingent, liquidated, unsecured debts in excess of \$394,725.00. Specifically, Schedule E lists total unsecured debt in the amount of \$433,000.00.
4. That the Debtor does not qualify for protection under Chapter 13.

WHEREFORE, for the reasons set forth above, the Trustee moves that the subject case be dismissed as in the best interests of creditors, and for other relief as this Honorable Court deems just and equitable.

Respectfully submitted,

Date: February 25, 2019

/s/ Nancy Spencer Grigsby  
Nancy Spencer Grigsby  
Chapter 13 Trustee  
185 Admiral Cochrane Dr., Ste. 240  
Annapolis, Maryland 21401  
[ngrigsby@ch13md.com](mailto:ngrigsby@ch13md.com)

**NOTICE OF OPPORTUNITY TO REQUEST A HEARING  
TO THE DEBTOR'S ATTORNEY OF RECORD:**

You are notified of the filing of the foregoing Motion by the Trustee stating that you have caused unreasonable delay in these proceedings which is prejudicial to creditors and requesting that the subject case be dismissed pursuant to 11 U.S.C. Sec. 1307(c).

You are further notified that unless a responsive pleading stating facts which controvert, justify or explain the Trustee's allegation be filed and a copy of said pleading be served upon the Trustee, on or before **March 18, 2019** this case will be dismissed on such date and the case will be closed.

**CERTIFICATE OF SERVICE**

I hereby further certify that on the 25<sup>th</sup> day of February, 2019, a copy of the foregoing response was also mailed first class mail, postage prepaid to:

Carla Donna Desilva-McPhun  
16913 Harbour Town Drive  
Silver Spring, MD 20905  
(Pro Se Debtor)

/s/Nancy L Spencer Grigsby  
Nancy L Spencer Grigsby  
Chapter 13 Trustee